

CIVIL NO. 1:06CV127

Defendants.

On August 17, 2006, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation regarding the motion of Defendant FJK Enterprises, Ltd. Co., d/b/a Express Carriers ("Express Carriers") to dismiss and/or stay proceedings filed May 8, 2006. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on September 5, 2006. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's motion be denied.¹

IT IS, THEREFORE, ORDERED that the Defendant Express Carriers' motion to dismiss and/or stay is hereby **DENIED**.

¹ As grounds for his ruling, the Magistrate Judge stated that Plaintiff's counsel had advised that the civil action pending in the Arkansas state court was being dismissed. Plaintiff's counsel has now filed a Memorandum of Action and attached thereto an Order of Voluntary Nonsuit filed in the Circuit Court of Pulaski County, Arkansas, on June 13, 2006. **See Memorandum of Action, filed September 5, 2006.**

Signed: September 7, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

